

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 423 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NIRMAL N MITTAL

Versus

UNION OF INDIA & ANR.  
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Appearance:

MR CHETAN PANDYA for Petitioner

None present for Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/03/98

ORAL JUDGMENT

The petitioner, a subscriber of Telephone No.362965, by this petition, challenges the notices annexure 'A' and 'C', dated 3.1.87 and 28.1.87, of respondent No.2 given to him for disconnection of the said telephone.

2. The learned counsel for the petitioner, relying

on two decisions, one of this Court in the case of Union of India & Anr. v. Narayanbhai Keshavlal Patel, reported in AIR 1985 (Guj.) 31 and of the Apex Court in the case of M/s.New Samundri Transport Company (P) Ltd. v. The State of Punjab & Ors., reported in AIR 1976 SC 57, contended that the petitioner should have been given out the grounds on the basis of which the respondent proposed to disconnect the telephone of the petitioner for violation of Rule 428 of the Indian Telegraph Rules, 1951.

3. I do not find any merits in this contention of the learned counsel for the petitioner. In annexure 'A', which was the first notice given to the petitioner by respondent No.2, it is true that the respondent has not given out the reasons/ grounds of gross misuse of public telephone system by the petitioner, but in the second notice which has been given after the reply of the petitioner to the first notice, wherein he has demanded the grounds, the grounds have been given out. From the grounds given out in the said notice, I am satisfied that it is a case of gross misuse of public telephone system by the petitioner and as such, the respondents have correctly taken the action for disconnecting the telephone for violation of Rule 428 of the Indian Telegraph Rules, 1951. The petitioner has not filed any reply to the second notice annexure 'C' dated 28.1.87 and he has straightway approached this Court. Otherwise also, in such matters, where notice has been given, then instead of directly approaching this Court to challenge the validity of the notice, the petitioner should have approached to the authority first and should have taken decision in the matter. That course has also not been adopted by the petitioner.

4. Taking into consideration the totality of the facts of this case, I do not find any illegality in the action of the respondents in case the telephone connection of the petitioner has been disconnected. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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